

SAND CREEK MASSACRE NATIONAL HISTORIC SITE STUDY
ACT OF 1998

SEPTEMBER 9, 1998.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany S. 1695]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1695) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1695 is to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System.

BACKGROUND AND NEED FOR LEGISLATION

S. 1695 authorizes the Secretary of the Interior to conduct a resource study to locate and identify the Sand Creek Massacre Site located in Colorado. The study will also determine the feasibility and suitability of designating the site as a unit of the National Park System. The study will include cost estimates for necessary acquisitions, development, and operations along with identifying alternatives for the management, administration, and protection of the area.

On November 29, 1864, approximately 450 Southern Cheyenne and 40 Southern Arapahos camped at Sand Creek, Colorado. Colonel John M. Chivington's Colorado volunteers, along with 125 regular army troops, attacked the unsuspecting encampment and were responsible for the deaths of over 200 Indians. When detailed news of the attack reached the East, many reacted with disgust. Three formal investigations of the events collected extensive testimony and spread it before the public in official reports. However, the investigations into the attack, now referred to as a massacre, resulted in no official act of any kind.

Currently, the presumed site of the massacre is on a 1,425-acre parcel in Kiowa County and there is a willing selling of the property. However, the Kiowa County land in question may not be the actual site. Researchers at the Colorado Historical Society, who have studied the site, indicate no strong evidence to suggest the site was the spot where the massacre took place. Research teams began a physical search of the site expecting to find battle remnants, including some of the four tons of ammunition the Colorado Calvary used in the massacre. All they found was a picket pin used to tie up horses and one .55 caliber rifle slug. Nothing was found to suggest the bombardment of the four howitzers that Chivington's troops used. According to the Historic Society, their search was inconclusive. Kiowa County could be the actual location of the massacre but there are other locations that may be the actual massacre site, including locations in Cheyenne, Prowers, or Bent Counties.

The Kiowa site is in a flood zone, raising the possibility that artifacts may have been washed downstream or could be buried deeper. The Historic Society believes additional research needs to be done to identify the actual site of the Sand Creek Massacre. At this time no study has been done by the National Park Service to determine the suitability of the site for inclusion in the National Park System, hence the need for S. 1695. The bill authorizes such sums as necessary to carry out the Act.

COMMITTEE ACTION

S. 1695 was introduced on March 2, 1998, by Senator Ben Nighthorse Campbell (R-CO). On July 17, 1998, the Senate passed S. 1695 with an amendment by unanimous consent. In the House of Representatives, S. 1695 was referred to the Committee on Resources, and within the Committee, to the Subcommittee on National Parks and Public Lands. On August 5, 1998, the Full Committee met to consider S. 1695. The Subcommittee on National Parks and Public Lands was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact S. 1695.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out S. 1695. However, clause 7(d) of that rule provides that this requirement does not apply when the committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, S. 1695 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of S. 1695.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the committee has received the following cost estimate for S. 1695 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 13, 1998.

Hon. DON YOUNG,
Chairman, Committee on Resources, U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1695, the Sand Creek Massacre National Historic Site Preservation Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

S. 1695—San Creek Massacre National Historic Site Preservation Act of 1998

CBO estimates that implementing S. 1695 would cost the federal government about \$200,000 over the next 18 months, assuming appropriation of the necessary amounts. The act would not affect di-

rect spending or revenues; therefore, pay-as-you-go procedures would not apply. S. 1695 contains no intergovernmental or private-sector mandates and would impose no costs of state, local, or tribal governments.

S. 1695 would direct the National Park Service (NPS) to conduct a resource study of the Sand Creek massacre site in Colorado. The study, which would be carried out in consultation with the state of Colorado and local tribal governments, would help NPS to locate the exact site of the massacre and to evaluate the suitability and feasibility of designating it as a unit of the National Park System.

Based on information provided by NPS and assuming appropriation of the necessary sums, we estimate that the agency would spend about \$200,000 over the next two fiscal years to complete the study required by the act.

On July 9, 1998, CBO transmitted a cost estimate for S. 1695, as ordered reported by the Senate Committee on Energy and Natural Resources on June 24, 1998. The two versions of S. 1695 are nearly identical, and the two estimates are identical.

The CBO staff contact is Deborah Reis. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

S. 1695 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, S. 1695 would make no changes in existing law.

